

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5, 8, 10-23, 25-30, and 32-38 are presently pending in this case. Claims 13-19 and 32-39 are withdrawn. Claims 1, 3, 5, 8, 20, 21, and 27-29 are amended and Claims 6, 7, 9, 24, and 31 are canceled without prejudice or disclaimer by the present amendment. As amended Claims 1, 3, 5, 8, 20, 21, and 27-29 are supported by the original claims, no new matter is added.

In the outstanding Official Action, the title was objected to; Claim 20 was rejected under 35 U.S.C. §101; Claims 1-19 and 20-31 were rejected under 35 U.S.C. §112, second paragraph; Claims 1-8, 20-22, 26, and 27 were rejected under 35 U.S.C. §102(e) as anticipated by Shamsunder (U.S. Patent Application Publication No. 20040085918); Claims 10 and 28 were rejected under 35 U.S.C. §103(a) as unpatentable over Shamsunder in view of Sawahashi et al. (U.S. Patent Application Publication No. 20030053413); and Claims 12 and 30 were rejected under 35 U.S.C. §103(a) as unpatentable over Shamsunder in view of Matsuoka et al. (U.S. Patent Application Publication No. 20040008614). However, Claims 9 and 31 were objected to as dependent on a rejected base claim, but otherwise were indicated as including allowable subject matter if re-written in independent form.

Applicants gratefully acknowledge the indication that Claims 9 and 31 include allowable subject matter.

With regard to the rejection of Claim 20 under 35 U.S.C. §101, Claim 20 is amended to recite “a computer readable medium,” which is an article of manufacture. Accordingly, Claim 20 is believed to be in compliance with all requirements under 35 U.S.C. §101.

With regard to the rejection of Claims 1-19 and 20-31 under 35 U.S.C. §112, second paragraph, Claim 1 is amended to recite “a chip-pattern generating unit which generates one

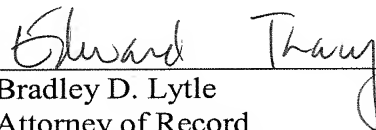
or a plurality of predetermined chip patterns by chip repeating to a spreading chip sequence for a predetermined number of repetitions” and “a multiplying unit which multiplies, to the signal comprising said predetermined chip pattern, one or a plurality of phases specific to said mobile station.” Claims 20 and 21 and the dependent claims are amended in a similar manner. Claim 8 is amended to recite “said transmission timing control unit comprises a path-based timing control unit which performs, based on first paths, the transmission timing control so that said first paths are received at the base station at an identical timing.” Accordingly, Claims 1, 20, and 21 (and Claims 2-5, 8, 10-19, 22, 23, and 25-30 dependent therefrom) are believed to be in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claims 1, 20, and 21 as anticipated by Shamsunder, Claim 1 is amended to include the subject matter of Claims 6, 7, and 9, and Claims 20 and 21 are amended to include the subject matter of Claims 24 and 31. As Claims 9 and 31 were indicated including allowable subject matter, amended Claims 1, 20, and 21, and all claims dependent therefrom, are allowable.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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